



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,000	08/07/2001	Peter Robert Foley	7940	1791

27752 7590 04/10/2003

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-11

Office Action Summary

Application No. 09/891,000		Applicant(s) FOLEY ET AL.	
Examiner Preeti Kumar		Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 10 and 16-29 are canceled.
2. Claims 30-49 are pending.
3. Applicant's arguments filed on January 30, 2003 in paper # 10, have been fully considered but they are not found to be persuasive because contrary to Applicant's arguments Vinson et al. do teach a polymeric suds stabilizer.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 30-49 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Vinson et al. (US 5,990,065).

Vinson et al. teach a liquid dishwashing detergent composition comprising from 0.0001% to 2% by weight, of an amylase enzyme; and from about 0.5% by weight, of a suds booster; wherein said composition has a pH greater than 8. See col.2, ln.23-40 and col.26 example I formulation E.

Specifically regarding claims 31-35, Vinson et al. teach a liquid dishwashing detergent composition comprising an amylase enzyme from about 0.0001% to about 2% by weight, of said amylase enzyme. See col.16, ln.15-17.

Specifically regarding claims 36 and 37, Vinson et al. teach the utility of anionic, nonionic, and cationic surfactants. An effective amount of a surfactant typically is in the range of from about 0.5% to about 90% by weight. See col.6, ln.33-37.

Specifically regarding claims 38-40, Vinson et al. teach the utility of from about 0.25% to about 15% by weight, of a diamine wherein the pK1 and pK2 of each diamine is from about 8 to about 11.5. See col.2, ln.29-37; and col.4, ln.5-10.

Specifically regarding claims 41 and 47, Vinson et al. teach examples of preferred diamines including dimethyl aminopropylamine, 1,6-hexanediamine, 1,3-propanediamine, 2-methyl-1,5-pentanediamine, and 1,3-pentanediamine. See col.5-6.

Specifically regarding claim 42, Vinson et al. teach that detergent compositions may further comprise enzymes which provide cleaning performance benefits such as cellulases, hemicellulases, peroxidases, proteases, gluco-amylases, lipases, cutinases, pectinases, xylanases, reductases, oxidases, phenoloxidases, lipoxygenases,

ligninases, pullulanases, tannases, pentosanases, malanases, P-glucanases, and arabinosidases. See col.13,ln. 45-60.

Specifically regarding claims 43-45, Vinson et al. teach the utility of suds boosters, such as betaines and sulfobetaines ("sultaines"). See col.11, ln.55-60. Specifically regarding the polymeric suds stabilizer, Vinson et al. teach the utility of polyethylene, polypropylene, and polybutylene oxide condensates of alkyl phenols. See col.8, ln.46-47. The examiner notes that Vinson et al. are silent as to the range of suds booster that may be incorporated into the composition, however, in example I formulation E, Vinson et al. teach the use of a suds booster in an amount encompassed by the range recited by the instant claims.

Vinson et al. illustrate in example I formulation E, a liquid dishwashing detergent composition comprising: an amylase enzyme; a linear alkyl benzene sulfonate surfactant, a diamine, and a betaine suds booster in a proportion encompassed by the material limitations of instant claims. See col.26. ex.1.formulation E. Accordingly, the teachings of Vinson et al. are sufficient to anticipate the material limitations of the instant claims.

Alternatively, even if the broad teachings of Vinson et al. are not sufficient to anticipate the material limitations of the instant claims, it would have been nonetheless obvious to one of ordinary skill in the art, to arrive at a liquid dishwashing detergent composition comprising a polymeric suds stabilizer in the same proportion as recited by the instant claims because Vinson et al. teach a liquid dishwashing detergent

Art Unit: 1751

composition comprising polyethylene oxide condensates of alkyl phenols and a suds booster in the same proportion as recited by the instant claims.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

Preeti Kumar
Examiner
Art Unit 1751


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

PK
April 4, 2003